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C O N F I D E N T I A L SECTION 01 OF 05 HO CHI MINH CITY 001015

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DHS/BCIS FOR OFFICE OF ASYLUM, REFUGEES, AND INTERNATIONAL
OPERATIONS
BANGKOK FOR REFCOORD
DEPARTMENT FOR PRM/A AND EAP/MLS

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TAGS: [PREF](#) [PHUM](#) [SOCI](#) [KIRF](#) [PGOV](#) [PREL](#) [VM](#)
SUBJECT: VIETNAM IN-COUNTRY PRIORITY ONE REFERRAL

CLASSIFIED BY: Kenneth Fairfax, Consul General, U.S. Consulate
General Ho Chi Minh City, Dept. of State.
REASON: 1.4 (b), (d)

11. (C/NF) Summary: Mission's P-1 Referral Committee has completed consideration of five possible Priority One (P-1) applicants and is referring two to PRM for consideration. Truong Van Duc is a long-time Hoa Hao leader and has spent much of his life in detention. His outspoken, but non-violent, opposition to the GVN has kept him in trouble with authorities. Duc, his wife, and one daughter are referred. Nguyen Thanh Minh Tri was a Protestant lay leader in the Sikiew refugee camp, and he and his now wife have faced intermittent police harassment that has risen sharply in recent years. A third applicant, Do Minh Tuyen, does not appear to have a claim that rises to the level of P-1 criteria. The fourth person, Thai Quoc Thanh, nominated by NGO Boat People SOS (BPSOS), has not suffered discrimination that rises to P-1 levels, but upon interviewing him we found that he appears eligible for Humanitarian Resettlement (HR). Earlier this year, the P-1 Committee found the claims of another BPSOS referral, Vo Huu Phuoc, not credible. This was reported by e-mail earlier. Duc, Tri and Tuyen were internal nominations. All except Phuoc had applied for Humanitarian Resettlement. End Summary.

TRUONG VAN DUC

12. (C/NF) Truong Van Duc became known to the Political Section in HCMC in 2005/2006 through the P-1 applications of Ho Van Trong and Bui Van Hue. He has been a Hoa Hao Buddhist leader since before 1975 and a member of the pre-1975 governing body. His specific responsibility is for youth education. He had a history of activism and had been in re-education for anti-revolutionary activities, prior to 2000. There is no indication that any of the activity for which he was incarcerated was violent; rather it appears to have been for political and/or religious reasons. In 2000, he was arrested for "causing a public disturbance" and "opposing the government." His arrest appears to have been because he was involved in public demonstrations related to Hoa Hao activism. He was sentenced to twelve years in prison on February 8, 2001. He was released on February 1, 2005 after, he said, POTUS requested the GVN to release a number of prisoners. His name appears in Department Human Rights Reports at that time, and it appears that he was

imprisoned for peacefully (albeit vigorously) expressing a call for greater religious freedom. Again, he does not appear to have been involved in any violent activities.

13. (C/NF) After his release, he continued to attempt to carry out his functions as a Hoa Hao lay leader. Before and after his imprisonment, he organized youth education activities in his home. Police and local officials would respond by contacting the families of the youths, warning them not to participate in Duc's classes. Thus, no one attended. Duc also complained that since his release police have dismantled the Hoa Hao altar inside his home and have taken down Hoa Hao flags when he has attempted to fly them outside his home.

14. (C/NF) On March 7, 2006, Duc was placed under administrative surveillance (Decree 31/CP) for two years because, 1) on May 3 and 4, 2005 he disturbed security in Mnong My village by shouting "overthrow communism" about fifteen times on May 19, 2005; 2) together with already resettled P-1, Bui Van Hue, he sent a letter to the Prime Minister and the Department that "caused division between Hoa Hao Buddhism and the people's authorities;" and 3) on November 8, 2005, with four others, he publicly criticized local authorities for harming religion. Local authorities demand that Duc and his wife report themselves to the local police station almost monthly. (Note: Duc stated that he ignores these summons and has never reported himself. This is very unusual in our experience. End Note.) A central government order rescinded the administrative surveillance decree as of March 31, 2007, so the order against Duc was no longer effective from that date, but police have not changed their treatment of Duc and have not officially placed him under any other known sanction. Police prevent Duc and his wife from leaving their town on public

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transportation, although Duc has been able to leave on his own motorbike.

15. (C/NF) On June 15, 2006, Cong An Thanh Pho Ho Chi Minh (Ho Chi Minh City Public Security) newspaper, a nationally distributed tabloid, printed a full-page story about Duc entitled "Born to be a Troublemaker." The article alleges that Duc has committed numerous crimes and that his aggressive nature makes his neighbors so fearful of him, that they call him a "hobgoblin." Duc, who brought the clipping to us, stated that none of the allegations in the article are true. Perhaps the most incredible accusation is that Duc poured gasoline on a policeman and then threw a lit match at him. This did not lead to any police action against Duc, although is completely out of character for police in Vietnam.

16. (SBU) Duc has been able to obtain civil documents recently. His birth certificate is dated April 19, 2007, his national ID card April 23, 2007, and his family book in May 2007. He applied for Humanitarian Resettlement in January 2007, but is not qualified because he was in re-education camp for anti-revolutionary activities, not for association with the U.S.

17. (SBU) Duc's case would include him, his wife, and one child:
Principal Applicant: TRUONG, Duc Van; DPOB: 02 FEB 1943, An Giang, Vietnam; gender: male.
Spouse: DANG, Son Thi Kim; DPOB: 23 OCT 1959, An Giang; gender: female.
Child: TRUONG, My Thi; DPOB: 18 June 1989, An Giang, Vietnam; gender: female.
He has another, older child not included in this case.

NGUYEN THANH MINH TRI

18. (C/NF) Nguyen Thanh Minh Tri and his now-wife, Tran Thi Kim Hoang, were repatriated to Vietnam from Sikiew Refugee Camp

in Thailand along with several hundred other Vietnamese in October 2006 after troubles with Thai authorities. Consequently, this group missed the deadline for consideration under Return Opportunities for Vietnamese Refugee (ROVR) for return to Vietnam. They met in the camp and married after they returned to Vietnam. Like a number of other Sikiew returnees, they came to our notice when they applied for Humanitarian Resettlement. They had no eligibility for HR, but when police pressure on them increased again recently, they contacted us with a detailed account of their lives since returning from Sikiew. While most of this has no bearing on P-1 status, it shows a pattern of increasingly severe treatment. Hoang's father was a pastor in the Southern Evangelical Church of Vietnam (SECV) before 1975, and Tri joined the SECV while he was in Sikiew. Both played lay leadership roles in the SECV community in Sikiew and continued in lay leadership roles after their return to their home in Dong Thap province.

¶9. (C/NF) Tri was responsible for the church building and held construction funds at his local church in An Phong, Dong Thap. As such, he was the second highest lay leader (Deputy Secretary) in that congregation. Soon after his return,

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police began pressuring him to inform for them on church activities. They also intimidated that they wanted him to tell them about what was going on inside Sikiew and what contacts Sikiew returnees maintained with those outside Vietnam. In 2000, Tri reported this to UNHCR and to the U.S. Consulate.

¶10. (C/NF) In January 2003, police told him that they suspected him of using his position to raise funds for counter-revolutionary activities and they again pressured him to inform on church activities. (Note: The SECV became recognized by the GVN in 2001. End Note.) This culminated in a police visit to their home late one night in August 2003, that Hoang described in vivid and convincing detail. They were living with other family members at that time who were also facing elevated levels of police scrutiny. After that visit their family members asked them to leave. Other church leaders and the pastor in An Phong were not aware of the pressure put on the family. Tri and Hoang complied with their family's wish and departed. They simply told their fellow parishioners that they were leaving to join a different church.

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¶11. (C/NF) They moved to Ho Chi Minh City and now attend a SECV church in HCMC. Police follow Tri to church and have warned him not to take up any leadership or other extra activity in the church. He said that he is not sure whether the police who monitor the church are also watching other persons because he is too afraid to raise the subject with members of his current congregation.

¶12. (C/NF) HCMC authorities require Tri to present himself to local authorities once or twice a month. Local police visit his home at least once per month. Between March and October 2006, senior police officials put a good deal of pressure on him, browbeating him to report his activities to the local police. Tri and Hoang said that they cannot remember how many times police have come to their home this year, but that the number of visits escalated prior to the National Assembly elections. He works in the informal sector on construction sites.

¶13. (C/NF) On April 29 at 23:00, police came to their home and threatened them with "national security violations." HCMC police required Hoang to report to them on May 15 and they required Tri to report to Dong Thap police on National Election Day on May 20.

¶14. (C/NF) ConGen HCMC Political Section contacted members of

the SECV in An Phong and HCMC who corroborated the part of the story Tri said they would know about -- that is that he and his family abruptly departed An Phong where he was a leader and are now in HCMC where he simply goes to church.

¶15. (C/NF) We found that Tri and his family appear to be facing harsh and discriminatory treatment apparently on the grounds of their particular background as Protestant leaders in Sikiew. It also appears that Hoang was raped by a Vietnamese police officer in 1990 before her family fled Vietnam. Their case would include:

Principal Applicant: NGUYEN, Tri, Thanh Minh; DPOB: 30 Oct 1962, Dong Thap, Vietnam; gender: male.

Spouse: TRAN, Hoang, Thi Kim; DPOB: 01 Sep 1961, Vinh Long, Vietnam; gender: female.

Child: NGUYEN, Tri, Tran Bao; DPOB: 09 Feb 2001, Dong Thap, Vietnam; gender: male.

DO MINH TUYEN

¶16. (SBU) Do Minh Tuyen and his family applied for HR on the basis of being Sikiew returnees and were consequently screened out. They reported recent harassment, so we interviewed them for possible P-1 consideration. Two of Tuyen's children are unable to attend public school because they do not have birth certificates. Both were born in Sikiew. Otherwise the family has appropriate civil documents, although they are registered in Tuyen's brother-in-law's family book as they have had difficulty getting one of their own. This is not a particularly unusual problem. The family is Catholic; they report no problems of a religious nature.

¶17. (C/NF) Tuyen kept in touch with one other Sikhew returnee, Vu Hoan Hai, who started a construction/architecture company after being repatriated. Tuyen said he signed letters that Hai wrote to the USG about the treatment of Sikiew inmates and they sometimes talked about non-controversial matters. A few months ago Hai was arrested, allegedly for involvement in the outlawed pro-democracy group, Bloc 8406. Since then, police have questioned Tuyen and his relatives about Hai and Bloc 8406 frequently, although they had no involvement in Bloc 8406 and Hai reportedly never discussed it with Tuyen. (Note: We are not familiar with Hai, so cannot comment on the veracity of Tuyen's account. End note.) Tuyen said that police follow him now and that a letter he received from DHS in Bangkok in December 2006 had been opened.

¶18. (SBU) Police are questioning many people who knew Bloc 8406 participants, but Tuyen is the only one who has come forth with a request to be resettled. The reported treatment of Tuyen does not appear exceptional. While we will remain in touch with him, it does not appear that he meets the criteria for a P-1 referral. We have checked with UNHCR about documentation of his Sikiew-born sons. UNHCR found the problem described unlikely.

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THAI QUOC THANH

¶19. (SBU) Thai Quoc Thanh applied under HR-HO, but was screened out because he had apparently had an application under the Orderly Departure Program. BPSOS forwarded a P-1 referral for him in May 2007 through State PRM. We interviewed him for possible P-1 consideration and to learn why he had not applied under ODP. His P-1 claim is that he and his family have not been able to obtain some civil documents. Although this is deplorable, it is so widespread in Vietnam and happens for so many reasons, it is difficult to consider it harsh or discriminatory. However, shortly before ODP attempted to contact Thanh and his family they were involuntarily ejected from their home. Thus, they did not have a fixed address and were having sufficient difficulties that it is credible that their failure to

respond to ODP was for reasons beyond their control. Therefore, at the suggestion of the P-1 Committee, HRS screened him in as an HR-HO. He does not have a P-1 claim.

VO HUU PHUOC

¶20. (SBU) BPSOS referred Vo Huu Phuoc for P-1 consideration in October 2006. He lives in Sadec, An Giang province and his referral came to BPSOS through now imprisoned Attorney Nguyen Van Dai. The referral claims that Phuoc's wife, Tran Kim Tien, and son were involved in land rights demonstrations that lead to their arrest and beating in ¶2001. In 2002, Tien fled Vietnam and was later joined by the son and still later by her daughter. They have been living illegally in Thailand since then. Another son left Vietnam as an overseas contract worker for Japan around the same time. In early 2003, local authorities required him to turn over the family home so that it could be razed to make room for a new market. Phuoc was summoned by police in 2002 and 2004 frequently about the whereabouts of his wife. He has reportedly been summoned over thirty times since then about his wife's whereabouts and her activities in Thailand. Truong Vinh Chau reportedly recruited Phuoc's wife into the land rights movement. Chau was resettled as a refugee in 2005. She also reportedly joined the People's Action Party after she reached Thailand. The People's Action Party is a small, US-based organization headed by Dr. Nguyen Xuan Ngai. Dr. Ngai met Vice President Cheney in mid-2007. The party sponsored Hanoi dissident Hoang Minh Chinh's 2005 trip to the United States for medical treatment.

¶21. (C/NF) We have been able to confirm very few of the specifics of this case that are not matters of public record. Truong Vinh Chau's interview notes make no mention of Tien. People's Action Party sources who should know of Tien are not aware of her or of anyone whose circumstances match Tien's. The harsh treatment Tien alleges because of her participation in land rights protests in 2001 was not typical. UNHCR has repeatedly denied refugee status to Tien and her son in Thailand because it has not found that their troubles are due to political activity. Tien herself has stated through BPSOS that she did not mention Chau in her interviews for refugee status because she was afraid that it would endanger him. It is not clear why she thought this. We were able to confirm through Embassy Tokyo's Fraud Prevention Unit that Phuoc's son in Japan was to appear before an immigration judge in 2004, but that he did not. He is apparently still in Japan (illegally) and in contact with his father. We are not aware that this son has attempted to obtain protection from UNHCR.

¶22. (C/NF) In his interview with us in HCMC, Phuoc said that local police extort food and gifts from him on a regular basis. He said that he has been beaten by police during questioning about his wife, Tien. Phuoc recounted his treatment by police calmly and only became emotional when speaking about his family.

¶23. (C/NF) The P-1 Committee considered this case for several months while gathering more information. In the end, we concluded that the claims that the family's problems are political are not credible. We have not been able to corroborate any of the claims of a political nature in this case. It is difficult to know whether the abuse described by Phuoc really happened. It is believable that the family home was condemned to build a new public market in Sadec

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and that they were not well compensated. Based on the available and credible information, we do not conclude that Phuoc's case meets P-1 criteria.

¶24. (U) This message was coordinated with Embassy Hanoi.
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